

39. (New) The flexible flashlight extension of claim 37, wherein the means for forming a non-conductive barrier comprises a cylindrical barrier disposed generally concentrically with said means for holding.

40. (New) The flexible flashlight extension of claim 37, wherein the means for conducting electricity comprises a conductive element formed of a plurality of metal wires disposed approximately concentrically with respect to said means for forming a non-conductive barrier.

41. (New) The flexible flashlight extension of claim 37, wherein the means for covering comprises a smooth protective covering characterized by an absence of ridges and joints, said means for covering being disposed radially about said means for conducting electricity.

REMARKS

Claims 1-41 are presented for consideration by the Examiner. The claims have been amended in response to the rejection and remarks in the Office Action mailed July 1, 2002, and every ground of rejection has been addressed.

1. REJECTIONS OF CLAIMS UNDER STATUTORY TYPE DOUBLE PATENTING

Claims 1-29 were rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-29 of prior U.S. Patent No. 6,280,050 (hereinafter "the '050 patent"). However, as indicated in the Office Action, a statutory double patenting rejection can be overcome by amending the conflicting claims so they are no longer coextensive in scope. Applicants note that claim 20 as originally presented was different in scope from the claims in the '050 patent. Moreover, the independent claims 1, 13, and 20 have all been amended herein such that they are not coextensive in scope with the claims in the '050 patent. Language has been removed from each of the independent claims 1, 13, and 20, as shown above in the version of the amendments with markings to show the changes made. Accordingly, claims 1-29 are not coextensive in scope with the claims in the '050 patent. Moreover, each of the claims contains subject matter that is not taught or suggested by the prior art of record. Claims 1-29 are therefore believed to be allowable.

Applicants will most likely provide a terminal disclaimer at a later date if the Examiner believes that a rejection based on a non-statutory double patenting ground remains with the claims as amended herein.

2. NEW CLAIMS

New claims 30-41 have been added. The subject matter presented in the new claims is disclosed, inter alia, in Figure 3, and the claims as originally presented, and is therefore not new matter.

New independent claim 30 includes the subject matter "a protective covering disposed generally concentrically with said first member and said second member, said protective covering providing a smooth surface characterized by an absence of ridges and joints." This feature, in combination with the other subject matter of the claim, is not disclosed or suggested by the prior art of record. For example, U.S. Patent No. 2,648,762 to Dunkelberger (hereinafter "the Dunkelberger patent") discloses a covering consisting of an outer metallic cable element 44 (see column 3, lines 29-30). As is clearly shown in FIGS. 1 and 2, the outer metallic cable element 44 comprises a series of ridges and joints. The outer metallic cable element 44 provides support for the flashlight extension unlike the present invention which utilizes the first member in the interior of the body to support the body. Accordingly, the outer protective covering of the present invention can be made smooth without ridges and joints as required in the device of the Dunkelberger patent. Since the prior art of record fails to teach or suggest all the features of claim 30, claim 30 is believed to be allowable.

Dependent claims 31-36 depend from claim 30, or a claim depending from claim 30, and are therefore believed to be allowable for at least the reasons given in support of claim 30.

Regarding claim 37, a combination of features is claimed that is not taught or suggested by the prior art of record, including the Dunkelberger patent. Since the prior art of record fails to teach or suggest all the features of claim 37, claim 37 is believed to be allowable.

Dependent claims 38-41 depend from claim 37, and are therefore believed to be allowable for at least the reasons given in support of claim 37.

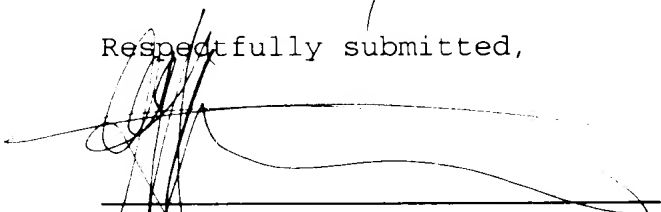
3. CONCLUSION AND AUTHORIZATION OF DEPOSIT ACCOUNT

In view of the foregoing, applicants believe that claims 1-41 are all allowable and the same is respectfully requested. If any impediment to the allowance of these claims remains after entry of this Amendment, and such impediment could be alleviated during a telephone interview, the Examiner is invited to initiate the same.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0836.

DATED this 2 day of January, 2003.

Respectfully submitted,



Grant R. Clayton
Attorney Registration No. 32,462
Attorney for Applicant

Clayton, Howarth & Cannon, P.C.
P.O. Box 1909
Sandy, Utah 84091
Telephone: (801) 255-5335
Facsimile: (801) 255-5338

GRC/CBV

S:\CHC Files\T 6--\T6588\A\CONT\amenda.930.pat.wpd